

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION AT YOUNGSTOWN**

BRUCE KECK,

Plaintiff,

v.

NEW DAY ENTERPRISES, INC., *et al.*,

Defendants.

: Case No. 4:13-cv-00185-BYP
:
:
:
: JUDGE BENITA Y. PEARSON
:
:
: Magistrate Judge George J. Limbert
:

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT ON HIS SECOND
AMENDED COMPLAINT AGAINST OUTLAND SPORTS, INC.**

Pursuant to Fed. R. Civ. P. 55(b) and Court Order (ECF No. 61), Plaintiff, Bruce Keck, moves the Court for an order of default judgment on his second amended complaint against Defendant, Outland Sports, Inc., for its failure to plead or otherwise defend in this action. The reasons in support of this motion are set forth in the attached memorandum.

Respectfully submitted,

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MEMORANDUM OF LAW

The plaintiff filed a second amended complaint on August 19, 2013. (ECF No. 37). However, Defendant, Outland Sports, Inc., has failed to plead or otherwise defend and the deadline for doing so has expired.

Pursuant to Fed. R. Civ. P. 5(a)(2), no service was required on Outland Sports since it is already in default for failing to appear. Accordingly, the plaintiff respectfully requests that the Court issue an order granting him default judgment against Outland Sports.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion for Default Judgment against Outland Sports, Inc., was filed electronically on November 26, 2013. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Mark W. Biggerman
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